



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

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Director

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30-015-2499/

December 30, 2005

Mr. Buddy DeLong
Box 381
422 W. Main, Suite 4
Artesia, NM 88210

REMEDIATION WORK PLANS – MARKS & GARNER REMEDIATION PROJECTS

Mr. DeLong,

I am in receipt of your letter dated December 21, 2005, that you have been retained by Marks & Garner, Production, Ltd., Co., for the purpose of remediating the pollution and contamination violations on Marks & Garner properties issued by the OCD on December 6, 2005. This letter is to follow up and detail what we agreed to concerning the remediation of the Marks & Garner properties discussed at our meeting on December 27, 2005.

OCD Rule 19.15.3.116.D [NMAC] requires that the responsible person (Marks & Garner Production, Ltd., Co.) for a release must complete division approved corrective action and that releases will be addressed in accordance with a remediation work plan submitted to and approved by the division. This rule does not preclude the responsible person from taking appropriate actions to mitigate the impact of or contain a release prior to OCD approval but does require that site remediation activities be approved by the OCD.

To provide you with approval for corrective actions the OCD District 2 Office must first receive a remediation work plan that addresses, at a minimum, the following:

1. Site characterization including site ranking, layout and remediation action levels;
2. Release characterization including source, cause, area and volumetric estimations of impacted area(s) and contaminant specific concerns;
3. On site method of remediation including specific procedures you will follow for moisture/nutrients/additives to enhance biodegradation of the contaminants (or other specific procedures for other remediation technologies). Please ensure that the remediation technology you propose for this release is applicable to Highly Contaminated/Saturated Soils and Unsaturated Contaminated Soils and appropriate for the contaminant (for instance, MicroBlaze® is not proven to be appropriate for chloride remediation);
4. Off site remediation including sampling procedures for removed material, disposition of materials and documentation required;
5. Notification to NMOCD of work/sampling and sampling procedures (for TPH, B-TEX, Chlorides or any other contaminants of concern and as applicable) to be used for site characterization (vertical and horizontal delineation, background level determinations, etc.) and final closure;
6. General schedule of work to be performed including periodicity of repeated work such as tilling/moisture, etc; and,
7. Site closure procedures (closure of excavations, reseeding, grading, etc, as applicable).

As agreed at our December 12, 2005 meeting the Red Twelve State 4, Red State 1 and the Diamond State 2 pose the highest threat to the environment based on the sheer size of contaminant release at these locations. Also as agreed, please provide a remediation work plan for these properties prior to January 12, 2005.

During our meeting, we did not discuss definite deadlines for submitting the work plans for the other properties that were issued violations for pollution and contamination on December 6, 2005. For the other properties listed below, please provide remediation work plans prior to January 26, 2005.

I am also requesting that you propose some reasonable dates for starting and completing work at each property. I intend to provide you with as much leeway on these dates as possible. However, since these properties have been contaminated for some time it is imperative that these contaminated properties be remediated as soon as possible to avoid migration of contaminants into ground water. Any dates that you propose, and that are accepted by the OCD, must provide a reasonable probability of risk that further delay will not negatively affect this contaminant migration into ground water.

Property	UL-S-T- R	API	Work Plan Due	Work Start	Work Complete
Red Twelve State 4	O-5-17S-29E.	30-015-24991	1/12/2006		
Red State 1	B-4-17S-29E.	30-015-24855	1/12/2006		
Diamond State 2	M-4-17S-29E.	30-015-24760	1/12/2006		
Red Twelve State 3	I-5-17S-29E.	30-015-24989	1/26/2006		
Red Twelve State 2	H-4-17S-29E.	30-015-24966	1/26/2006		
Red Twelve State 1	N-4-17S-29E.	30-015-24962	1/26/2006		
Red State 2	G-4-17S-29E.	30-015-24896	1/26/2006		
Cave Pool Unit 30	O-4-17S-29E.	30-015-02891	1/26/2006		

Please use the "Guidelines For Remediation of Leaks, Spills, and Releases" as your guide when developing your remediation work plan. This document may be found on the NMOCD web site: www.emnrd.state.nm.us/oed, under Publications> Environmental Handbook> Miscellaneous Guidelines> Remediation of Leaks, Spills and Releases.

Until a remediation work plan is received, the NMOCD District 2 Office must be notified 48 hours prior to conducting work by Marks & Garner Production, Ltd, Co., contractors or sub-contractors that is intended to excavate, wash, move or disturb (such as in tilling, blading, etc.) soils or contaminated materials for the purpose of remediation, or hauling any soils or contaminated materials into or out of the location. This notification is to ensure NMOCD personnel are able to monitor compliance with approved remediation work plans as required by the New Mexico Administrative Code. Therefore, if a reasonable schedule of work cannot be provided then a separate notification that work is to resume is required if work ceases at the location for more than 5 days.

Please feel free to contact me if I can be of further assistance in this matter.



Chris Beadle
Artesia OCD District Office

cc: Marks & Garner Production, Ltd., Co.
PO Box 70
Lovington, NM 88260